

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

CR 16-01-BU-DLC-1

Plaintiff,

ORDER

vs.

ROYCE ALLEN SPENCER,

Defendant.

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on January 5, 2017. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Rodney Allen Spencer’s guilty plea after Spencer appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of conspiring to distribute

methamphetamine in violation of 21 U.S.C. § 841(a)(1), as set forth in the Second Superseding Information. In exchange for Defendant's plea, the United States has agreed to dismiss the Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 84), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Royce Allen Spencer's motion to change plea (Doc. 73) is GRANTED and Royce Allen Spencer is adjudged guilty as charged in the Second Superseding Information.

DATED this 23rd day of January, 2017.



Dana L. Christensen, Chief District Judge
United States District Court